

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Patricia Rogers

ORIGINAL

COMPLAINT

NAME OF PLAINTIFF(S)

CV 14 - 2438

Deborah Ludwig, Director,
Human Resources

MATCH PHOTO J.

SCANLON, M.J.

Family Home Care Services
NAME OF DEFENDANT(S)

This action is brought for discrimination in employment pursuant to (check only those that apply):

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

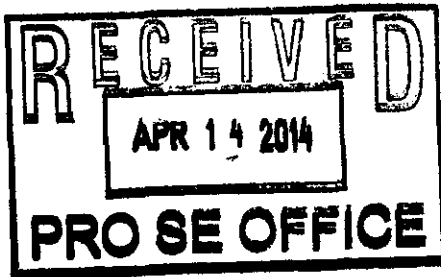
NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the ADA Amendments Act of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.



Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

140-20 Bascom Ave, South Ozone Park,
Street Address
Kings, N.Y., 11436, 347-813-5869
County State Zip Code Telephone Number

2. Defendant(s) resides at, or its business is located at:

168 Seventh Street
Street Address
Kings, Brooklyn, NY, 11215
County City State Zip Code

3. The address at which I sought employment or was employed by the defendant(s) is:

168 Seventh Street
Street Address
Kings, Brooklyn, NY, 11215
County City State Zip Code

4. The discriminatory conduct of which I complain in this action includes
(check only those that apply).

☐ Failure to hire.
☐ Termination of my employment.
☐ Failure to promote.
☐ Failure to accommodate my disability.
☒ Unequal terms and conditions of my employment.
☒ Retaliation
☐ Other acts (specify): _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory acts occurred on:
February 13, 2013
 Date(s)

6. I believe that the defendant(s) (check one)

☒ is still committing these acts against me.
☐ is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:
 (check only those that apply and state the basis for discrimination, for example,
 what is your religion, if religious discrimination is alleged)

☐ race _____ ☐ color _____
☒ gender/sex _____ ☐ religion _____
☐ national origin _____
☐ disability _____
☐ age. If age is checked, answer the following:

I was born in _____. At the time(s) defendant(s) discriminated against me,
 Year

I was ☐ more ☐ less than 40 years old. (check one).

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

8. The facts of my case are as follows:

On February 13, 2013, I, Plaintiff, were sexually harassed at the workplace, in the home of the client, by the client, Mr. Gresha Shyakov at 108-25 65 Ave Forest Hills, NY, by unwanted touching of my breast, thighs and trying to touch my private part, as I was dressing him. I immediately called the Defendants, Family Home Care Services on 2/13/13 to complain

(Attach additional sheets as necessary)

NOTE: As additional support for your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's alleged discriminatory conduct on: _____
Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 3/18/13
Date

that this client, Mr. Slyaer was sexually harrassing me.

On February 13, 2013 I, Plaintiff spoke to co-ordinator, Paulina, I explained to Paulina what was going on with the client, that the client, Mr. Slyaer was getting very fresh with me as I was dressing him sexually harrassing me. Paulina said to me " There's nothing that I can do, but I will have the supervisor, Sonia, to call you back
end of conversation.

I waited and waited on 2/13/13
for the supervisor to call me back
and Sonia, supervisor never did
call me back.

on February 13, 2013 around 2:30 pm
I took it upon myself to call the
supervisor, Sonia and there were
no answer and I left Sonia -
supervisor, a message to let her
know that the client had gotten
very fresh with me and to please call
me back as soon as she get this
message, The supervisor never
call me back.

on February 14, 2014 I called the
Dependant, Family Home Care Services
and spoke to the co-ordinator -
Rima - the person who gave me
this case to work. Rima was off
on 2/13/13. I began to tell
Rima of all the things that the
client, Mr. Ilyer had done on
2/13/13 and that I was going
to have him arrested and Rima
said to me "That maybe the
best for everyone". Rima called me
the next day 2/15/2013 left message to ask
me to return to the Client Home for work. I declined

4

The end of conversation. I did not hear from anyone about my complaint against client, Mr. Ilyeev.

On March 4, 2013 I filed a written complaint against client, Mr. Ilyeev with Family Home Care Services Director by certified return receipt posting, the receipt was never return to me.

The Defendant, Family Home Care Services, Director never responded or addressed my verbal or written complaint.

Because I did not hear from Defendant,
Family Home Care-Director by 2/22/13
and I believed that this conduct
of the Client was illegal, I
proceeded to 112 Precinct and
filed a Complaint against the
Client, Mr. Hlyace February 22, 2013.
see attached, 1A, 1, 2 and 3

I were wrongfully mistreated
by defendants, Family Home Care Services
and I believe Defendants action
toward me constitute a violation of
Title VII of the Civil Rights Act

of 1964, as amended.

On March 18, 2013 I filed a Complaint against Dependents, Family Home care services with the U.S. Equal

Employment Opportunity Commissioner John Douglass, Investigator.

see attached - 4, 5, 6, 7, 8, and 9, 10, 11, 12, 13

Thereafter, the Dependents, Family

Home care begin to retaliate

against me, by reducing my hours

on 11/23/13 to a point that I

was no longer eligible for health

Coverage by the Union.

Please see attached 14, 15 and 16

On 11/23/2013 the Defendants, Family Home Care Services were very much aware of my Medical History before reducing my hours to a point that I was no longer eligible for health coverage by the union. see attached 14-18. Thereafter, I received numerous letters from the union. As of this date I have no health coverage, 4/11/14.

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

BROOKLYN NY 11215

1A Postage	\$ 0.46	0230
Certified Fee	\$3.10	20
Return Receipt Fee (Endorsement Required)	\$2.55	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 6.11	03/02/2013

Sent to: Director, FHC Services
 Street, Apt. No.,
 or PO Box No. 165 Seventh Street
 City, State, ZIP+4 Brooklyn NY 11215

PS Form 3800, August 2005 See Reverse for Instructions

Return Rcpt (Green Card) \$2.55
 @@ Certified \$3.10
 Label #: 70122210000009228897
 Issue PVI: \$6.11
 Total: \$6.11
 Paid by: Cash \$6.11

520201301613

March 4, 2013

Director : Karide Hone care of Bblm + Queens
168 Seventh Street
Brooklyn, NY 11215

Date of Occurrence, 02/13/13

Location of Occurrence, 108-25 65 Ave
Forest Hills, NY

Date of Report, 02/13/13

Reported to: Paulina on 2/13/13, Jessica
Felix on 02/14/13, Rema on 02/14/13.

Called Sonia, supervisor, on 02/13/13
Sonia did not return call.

I reported this matter to the police
precinct 113 on Friday 02/15/13. as the
officer was ready to write up the report
he realize that the address was in
Forest Hills. The officer told me
that I had to go to Forest Hills,
gave me the address 6848 Austin Street.

I was not able to make it to Austin
Street until Friday, February 22, 2013
at 8 AM I made my report against Mrs.
Gresha Sleyer to Detective
Nowotny

①

52-2201301073
your staff knew that Mr. Gresha
Ilyasov sexually harassing
the girls who came to his home
to help take care of him and your
staff withheld this information away
from me, Patricia Rogers.

Mr. Gresha Ilyasov sexually harassed
me by touching my breast and
rubbing my thighs and trying to
touch my private parts.

I am requesting to be compensated
for this sexual act against me.
Rima knew and after knowing
she tried to send me back to Mr.
Gresha home to work. I have a
Voice Mail from Rima to this
fact.

If I do not hear from you or your
attorney within 20 days I will
have no choice but to turn this
matter over to my attorney.

Patricia Rogers
P.O. Box 300468
Jamaica, NY 11430

347-813-5869

②



2013-112-000790

Date: 2/22/13

Welcome to 112 Precinct 68-40 Austin St
(Command) (Address) (Telephone No.)

We hope that your business with us was handled satisfactorily. Your particular matter has been assigned the following number(s):

Complaint Report No.: Accident Report No.: Aided Report No.:

Reported to: Detective Novotny
(Rank) (Name) (Shield No.) Date of Occurrence: 2/22/13 Time:

Location of Occurrence:

Crime: Forcible Touching

Please keep this report should you have to refer to this matter in the future. If you need any further assistance feel free to
contact us at telephone number 718 520 9277. Please let us know if you have any suggestions on how we can
better serve you. As you may already know, we will provide you with a crime prevention survey of your residence or business.
Please ask for more information on this and other crime prevention initiatives. Our goal is to make you and your property safe.

COURTESY — PROFESSIONALISM — RESPECT
REMEMBER: CALL "911" FOR EMERGENCIES ONLY!!!!



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
For General Information: (800) 669-4000
District Office: (212) 336-3620

Patricia Rogers
P.O. Box 300648
Jamaica, NY 11430

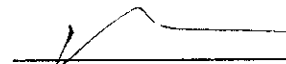
Re: EEOC Charge No. 520-2013-01673 (Amended)
Rogers v. Family Home Care Services

Dear Ms. Rogers:

The Commission has determined that efforts to conciliate this charge as required by Title VII of the Civil Rights Act of 1964, as amended ("Title VII") have been unsuccessful. No further efforts to conciliate this case will be made.

The Commission has also determined that it will not bring a lawsuit against the above named respondent. The issuance of the enclosed Notice of Right to Sue under Title VII concludes the processing of your charge by the Commission. If you decide to sue, you must file a lawsuit in Federal District Court within 90-days of receipt of this letter and Notice of Right to Sue.

On Behalf of the Commission:


Kevin J. Berry
District Director

3-31-2014
Date

enc.

(7)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 – not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

9



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
For General Information: (800) 669-4000
TTY: (800)-669-6820
District Office: (212) 336-3620
General FAX: (212) 336-3625

EEOC Charge No. 520-2013-01673 (Amended)

Charging Party

Patricia Rogers
P.O. Box 300468
Jamaica, NY 11430

Respondent

Family Home Care Services of New York
168 7th Street
Brooklyn, NY 11215

DETERMINATION

I issue the following determination on the merits of the subject charge. Respondent Family Home Care Services of New York is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended ("Title VII"). All requirements for coverage have been met.

Charging Party alleges that she was harassed based on her sex (female) when she was subjected to unwanted touching by a client. Charging Party alleges that Respondent failed to address her complaints and thereafter retaliated against her by reducing her hours to the point that she was no longer eligible for health insurance coverage by her union.

Charging Party has established a prima facie case of employment discrimination and retaliation under Title VII.

Once a prima facie case has been established by the Charging Party in a complaint of employment discrimination, the burden of proof shifts to the Respondent to provide a legitimate, nondiscriminatory reason for its conduct.

Respondent failed to provide a response to the Charge after a written request for one was sent on October 29, 2013. Respondent was specifically informed on February 11, 2014 that it risked an adverse determination if it did not respond on or before March 4, 2014. No response has been received to date.

(10)

Because the Respondent has been afforded an opportunity to provide an appropriate response to the charge of discrimination and has failed to do so, the Commission determines that the silence is an admission of the allegations in the charge, and exercises its discretion to draw an adverse inference with respect to the allegations. The Commission assumes that anything that Respondent could submit would not support its position.


Based on the above, the Commission has determined that there is reasonable cause to believe that Respondent has discriminated against Charging Party based on her sex, in violation of Title VII.

This determination is final. Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices through informal methods of conciliation. Therefore, the Commission now invites you to join with it in reaching a just resolution of this matter. Enclosed is a letter outlining the proposed terms of conciliation.

The confidentiality provisions of Sections 706 and 709 of Title VII and Commission Regulations apply to information obtained during conciliation.

If Respondent declines to enter into conciliation discussions, or when the Commission representative is unable to secure an acceptable conciliation agreement, the Commission shall so inform the parties, advising them of the court enforcement alternatives available to aggrieved persons and the Commission.

On Behalf of the Commission:



Kevin J. Berry
District Director

3-12-2014
Date

(11)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004-2112
For General Information: (800) 669-4000
TTY: (800)-669-6820
District Office: (212) 336-3620
General FAX: (212) 336-3625

Debra Ludwig
Director, Human Resources
Family Home Care Services of New York
168 7th Street
Brooklyn, NY 11215

Re: EEOC Charge No. 520-2013-01673
Rogers v. Family Home Care Services of New York

Dear Ms. Ludwig:

As stated in the Letter of Determination for this charge, the U.S. Equal Employment Opportunity Commission ("Commission") is interested in starting conciliation efforts. Remedies that may be discussed during conciliation in order to resolve the charge include, but are not limited to, the following:

1. Respondent will comply with all federal laws enforced by the Commission.
2. Respondent will adopt, implement and enforce effective equal employment opportunity policies.
3. Respondent will provide appropriate training for employees and managers on the laws the Commission enforces, with special emphasis on the issues raised in the charge.
4. Respondent will provide appropriate remedies to the Charging Party, which may include reinstatement and/or compensation in the form of applicable back pay plus interest, front pay, pecuniary and non-pecuniary compensatory damages incurred by the Charging Party.
5. Respondent will provide compensation for reasonable attorney's fees incurred by the Charging Party.
6. Respondent will not retaliate against any person because of opposition to any practice declared unlawful under statutes enforced by the Commission and will not retaliate against any person because of the filing of a charge, giving of testimony or assistance, participation in any manner in any investigation, proceeding, or hearing under statutes enforced by the EEOC.

Any conciliation agreement arrived at must be reduced to writing, signed by an authorized representative of the Respondent and, to be effective, must be signed by the Commission's District Director.

(12)

The Commission requests that Respondent indicate in writing its willingness to pursue conciliation in this matter by **March 21, 2014**. If Respondent does not respond to this letter by that date, the Commission will deem that further efforts to conciliate this matter would be futile, and will end the conciliation process.

I look forward to your timely response. If you have any questions, please feel free to contact me at 212-336-3765 or john.douglass@eeoc.gov.

Sincerely,



John B. Douglass
Federal Investigator

3-12-2014
Date

(13)



National Benefit Fund • Health Care Employees Pension Fund
Greater New York Benefit Fund • Greater New York Pension Fund
Home Care Employees Benefit and Pension Funds • Home Health Aide Benefit Fund
BENEFITS ARE SUBJECT TO EACH FUND'S SUMMARY PLAN DESCRIPTION (SPD) AND THE DISCRETION OF THAT FUND

330 WEST 42ND STREET | NEW YORK, NY 10036-6977 | WWW.1199SEIUBENEFITS.ORG
FOR BENEFIT AND PENSION FUNDS (646) 473-9200 | FOR RETIREES (646) 473-8666 | FOR PROVIDERS (646) 473-7160

February 07, 2014

PATRICIA ROGERS
PO BOX 300468
JAMAICA, NY 11430

Member ID#: 9026595492
Employer#: 050555 Family Home Care-Queens
Plan: 1199SEIU Home Care Benefit Fund

Dear PATRICIA ROGERS:

We are sorry to inform you that your health coverage through the 1199SEIU Home Care Benefit Fund has been reduced or has ended, (will end), on 02/28/2014 because of Reduction in Hours.

However, we want you to know that you, your spouse and/or your dependents can choose to continue your Fund health coverage for another 18 months by paying for it yourselves, as long as they were covered by the Fund when coverage ended.

The federal COBRA law gives you the right to extend your health coverage for a set period of time after you lose your benefits for certain reasons, for instance, if you lose your job or your work hours are reduced. If your spouse and children were covered by the Benefit Fund, they can also be covered through COBRA. And, every covered member of your family can independently elect COBRA. So even if you decide not to extend coverage for yourself, your spouse can extend coverage for him/herself, or you or your spouse can extend it for your children.

How to Continue Your Coverage

If you or your family members wish to continue your Benefit Fund coverage, the enclosed COBRA Election Form must be completed by those who elect to continue coverage and submitted to the Fund either **within 60 days from the date of this letter, or 60 days from the date your coverage ended, whichever is later.** If you or your family members miss this deadline, you will lose the right to elect COBRA continuation coverage, and all of your 1199SEIU benefits will end. In that case, the Fund will not pay for any claims after the date you lost coverage.

Once we receive your election form, we will calculate the payments due and send you a book of



ADP[®]

Period Beginning: 11/23/2013
Period Ending: 12/06/2013
Pay Date: 12/13/2013

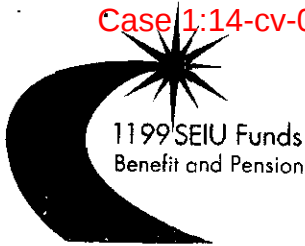
PATRICIA ROGERS
P. O BOX 300468
JAMAICA NY 11430

TEAR HERE

© 2003 ADF, Inc.

NON-NEGOTIABLE

15



National Benefit Fund • Health Care Employees Pension Fund
Greater New York Benefit Fund • Greater New York Pension Fund
Home Care Employees Benefit and Pension Funds • Home Health Aide Benefit Fund
330 WEST 42ND STREET | NEW YORK, NY 10036-6977 | WWW.1199SEIUBENEFITS.ORG

January 6, 2014

Dear 1199SEIU Member:

We regret to inform you that your employer, Family Home Care Services of Brooklyn and Queens, Inc., is in default on its Confession of Judgment and has not made required payments to the 1199SEIU Funds for your employee benefits. Although the Funds informed your employer's management and gave them time to pay the contributions due on your behalf, we still have not received these payments.

As a result, effective February 6, 2014, all your hospital, health, prescription drug, dental, disability and related benefits available through the 1199SEIU National Benefit Fund for Home Care Employees will end. Your benefits through the 1199SEIU Bill Michelson Home Care Education Fund will also end on this date, in accordance with the Summary Plan Document for that Fund.

We know you work hard and have earned every benefit promised to you when you became an 1199SEIU bargaining unit member. However, legally, your employer's failure to pay for your benefits leaves us with no other choice.

Your Employer May Be Required to Provide You with Benefits after February 6.

If your benefits end, your employer may be obligated to provide you with benefits under the collective bargaining agreement with 1199SEIU. Please speak to your employer about the benefits available to you after February 6.

Again, we regret that this action had to be taken. We will continue our efforts to collect the contributions that your employer owes on your behalf, and we will contact you if there is any resolution. If you have any questions about this notice or about your benefits through February 6, please don't hesitate to call us at (646) 473-9200.

Sincerely,

A handwritten signature in black ink that reads "Maria E. Acosta".

Maria E. Acosta
Chief Financial Officer

FAMILY HOME CARE SERVICES OF BROOKLYN & QUEENS, INC.
AFFILIATE OF CATHOLIC CHARITIES

520.2013.06173C

May 30, 2012

Mr. Charles Johnson
Mayor's Office Of Contract Services
Central Insurance Program
253 Broadway Ave
New York, New York 10007

Re: LNY 623173

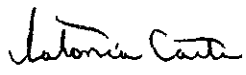
Dear Mr. Johnson:

Attached, please find the Disability Claim(s) for the following employee

<u>H.A. Name</u>	<u>Supervisor(HCC</u>	<u>Extension</u>
Rogers, Patricia	Falu, Jessica	189

If you need further information on the above employee(s), please contact me at 718-832-0550 extension 161.

Sincerely,


Latonia Carter
Asst Office Manager

cc: Ada Calderon-1199
H.A. File

Rogers, Patricia (MR # 1238690)

Encounter Date: 04/14/2012

JHMC EMERGENCY ROOM
 8900 Van Wyck Expressway
 Richmond Hill NY 11418-2820
 Phone: 718-206-6000

Rogers, Patricia
 MRN: 1238690

Department: **JHMC EMERGENCY ROOM**
 Date of Visit: **4/14/12**

Your diagnoses were Numbness of hand, Weakness of right hand, Body mass index 36.0-36.9, adult, High blood pressure, Kidney disorder, and Diabetes.

You were seen by Umeko Takeshige, MD and Mohammed A Wahid, MD.

Follow-up Information

Follow up with JHMC ACC ORTHOPEDIC in 1 week.

Contact information:

Department Of Ambulatory Care
 8900 Van Wyck Expressway
 Jamaica New York 11418
 718-206-7001

Your Medications

Start Taking

ACETAMINOPHEN (TYLENOL) 325 MG TABLET

Take 2 tablets by mouth every 6 (six) hours as needed for Pain.

Order Dose: 650 mg

Continue These Medications Which Have Not Changed

ATENOLOL (TENORMIN) 100 MG TABLET

Take 100 mg by mouth once daily.

Order Dose: 100 mg

**LISINAPRIL-HYDROCHLOROTHIAZIDE
 (PRINZIDE,ZESTORETIC) 10-12.5 MG PER TABLET**

Take 1 tablet by mouth once daily.

Order Dose: 1 tablet

NIFEDIPINE (ADALAT CC) 90 MG 24 HR TABLET

Take 90 mg by mouth once daily.

Order Dose: 90 mg

SIMVASTATIN (ZOCOR) 40 MG TABLET

Take 40 mg by mouth At Bedtime.

Order Dose: 40 mg

These Medications Have Changed

No Medications Reported

Stop Taking

No Medications Reported

Discharge Instructions

Carpal Tunnel Syndrome

You may have carpal tunnel syndrome. This is a common condition. Carpal tunnel syndrome occurs when the tendons, bones, or ligaments in the wrist press against the median nerve as it passes into the hand.

Symptoms can include:

18

- Intermittent numbness.
- Pain or a tingling sensation in thumb and first two fingers.

Only litigants alleging age discrimination must answer Question #11.

11. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

_____ 60 days or more have elapsed.

_____ less than 60 days have elapsed.

12. The Equal Employment Opportunity Commission (*check one*):

_____ has not issued a Right to Sue letter.

/ _____ has issued a Right to Sue letter, which I
received on 4/2/2014
Date

NOTE: Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, pre-judgment interest, costs, and attorney's fees.

Patricia Rogers
PLAINTIFF'S SIGNATURE

Dated: 4/10/2014

P.O. Box 300468
Address Jamaica, NY 11438
347-813-5869
Phone Number

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE
(CONCILIATION FAILURE)To: Patricia Rogers
P.O. Box 300468
Jamaica, NY 11430From: New York District Office
33 Whitehall Street, 5th Floor
New York, NY 10004FILED
U.S. DISTRICT COURT
CLERK'S OFFICE
APR 14 2014
BROOKLYN OFFICEOn behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2013-01673

John B. Douglass, Investigator

(212) 336-3765

TO THE PERSON AGGRIEVED:

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)


 Kevin J. Berry,
District Director

3-31-2014

(Date Mailed)

 CC: Debra Ludwig
 Director of Human Resources
 Family Home Care Services of New York
 168 7th Street
 Brooklyn, NY 11215

8



**U.S. Equal Employment Opportunity Commission
New York District Office**

33 Whitehall Str
5th Fl
New York, NY 100
(212) 336-36
TDD: 1-800-669-68
Fax: (212) 336-36
1-800-669-40

Respondent: FAMILY HOME CARE SERVICES
EEOC Charge No.: 520-2013-01673
FEPA Charge No.:

July 12, 2013

Patricia Rogers
P.O. Box 300468
Jamaica, NY 11430

Dear Ms. Rogers:

This is to acknowledge receipt of the above-numbered charge of employment discrimination against the above-named respondent. Please use the "EEOC Charge No." listed above whenever you call us about this charge. The information provided indicates that the charge is subject to:

- ☒ Title VII of the Civil Rights Act of 1964 (Title VII)
- ☐ The Age Discrimination in Employment Act (ADEA)
- ☐ The Americans with Disabilities Act (ADA)
- ☐ The Equal Pay Act (EPA)
- ☐ The Genetic Information Nondiscrimination Act (GINA)

You need do nothing further at this time. We will contact you when we need more information or assistance. A copy of the charge or notice of the charge will be sent to the respondent within 10 days of our receipt of the charge as required by our procedures.

Please be aware that we will send a copy of the charge to New York State Division Of Human Rights Federal Contract Unit One Fordham Plaza, 4 Fl. Bronx, NY 10458 as required by our procedures. If the charge is processed by that agency, it may require the charge to be signed before a notary public or an agency official. Then the agency will investigate and resolve the charge under their statute. If this occurs, section 1601.76 of EEOC's regulations entitles you to ask us to perform a Substantial Weight Review of the agency's final finding. To obtain this review, a written request must be made to this office within 15 days of receipt of the agency's final finding in the case. Otherwise, we will generally adopt the agency's finding as EEOC's.

While your charge is pending, please notify us of any change in your address, or where you can be reached if you have any prolonged absence from home. Your cooperation in this matter is essential.

Sincerely,

Judy A. Keenan
Deputy Director
(212) 336-3646

Office Hours: Monday – Friday, 8:30 a.m. - 5:00 p.m.
www.eeoc.gov

cc:

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC**520-2013-01673****New York State Division Of Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Patricia Rogers

Home Phone (Incl. Area Code)

(347) 813-5869

Date of Birth

Street Address

P.O. Box 300468

City, State and ZIP Code

Jamaica, NY 11430

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

FAMILY HOME CARE SERVICES

No. Employees, Members

15+

Phone No. (Include Area Code)

(718) 832-0550

Street Address

168 Seventh Street

City, State and ZIP Code

Brooklyn, NY 11215

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE☐ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN☐ RETALIATION☐ AGE☐ DISABILITY☐ GENETIC INFORMATION☐ OTHER (Specify)DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest**02-13-2013**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

See Attached Charge Particulars

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC Charge No.520-2013-01673

Patricia Rogers v. Family Care Services

Home
Statement of Charging Party:

My name is Patricia Rogers. I believe I was discriminated against because of my sex by my employer Family Home Service (hereinafter referred to as respondent)

I was hired in November 2011 by the respondent as a Home Aide. On February 13 2013, I was sexually assaulted by a client. He touched my breast, thigh and ~~private area~~ *He tried to touch my private part.* while I was dressing him.

That same day I reported it to Paulina, the Coordinator. I told her I was sexually assaulted. She said she could do nothing and would have the Supervisor call me back. I waited for the supervisor to call back and she never did. I took it upon myself to call. She didn't answer, so I left a detailed message about what happened.

When I told Rima, another Coordinator, that I was going to have the patient arrested, she said that "maybe that would be best for everyone". I have voicemail messages left by Rima asking me to go back to work for him. While both Coordinators knew that this client had a history of abusing Home Aides, I was still sent to this client by Respondent. *ask to return to this client home and I declined.*

I believe Respondent's actions toward me constitute a violation of Title VII of the Civil Rights Act of 1964, as amended.

I affirm that the above statement is true to the best of my knowledge, information and belief.

Patricia Rogers

Charging Party Signature

May 29, 2013

Date

Subscribed and sworn to before me on this date:

05/29/2013
(month, day, year)

Preetha Varghese

PREETHA VARGHESE
Notary Public, State of New York
No. 01VA6021965
Qualified in Queens County
Commission Expires March 22, 2015

